

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

AUGUSTA DIVISION

KELVIN LARON HOWARD,)	
)	
Plaintiff,)	
)	
v.)	CV 121-125
)	
INVESTIGATOR CHARLES W. KAMIMER)	
and INVESTIGATOR KYLE GOULD,)	
)	
Defendants.)	

MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION

Plaintiff, a pretrial detainee at Jefferson County Jail in Louisville, Georgia, is proceeding *pro se* and *in forma pauperis* (“IFP”) in this case filed pursuant to 42 U.S.C. § 1983, regarding events allegedly occurring in Augusta, Georgia.

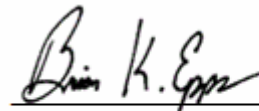
The Complaint alleges misconduct by Defendants in applying for and executing a search warrant that led to the charges he currently faces in the related criminal case of United States v. Howard, CR 120-026 (S.D. Ga. May 20, 2020) (indictment accusing Plaintiff of illegal possession of narcotics and firearms)¹. Where “a plaintiff files a false arrest claim before he has been convicted (or files any other claim related to rulings that will likely be made in a pending or anticipated criminal trial), it is within the power of the district court, and in accord with common practice, to stay the civil action until the criminal case or the likelihood of a criminal case is ended.” Wallace v. Keto, 549 U.S. 384, 393–94 (2006); James v.

¹ United States v. Rey, 811 F.2d 1453, 1457 n.5 (11th Cir. 1987) (confirming courts may

Melke, CV 412-115, 2012 WL 2153798 at *2 (S.D. Ga. June 13, 2012), *adopted by*, 2012 WL 3293700 (S.D. Ga Aug. 10, 2012). A stay of this civil action is appropriate because the issues it presents are inextricably intertwined with the criminal case. Indeed, Plaintiff claims invalidity of the same search warrant in his criminal case. Vickers v. Donahue, 137 F. App'x 285, 290 (11th Cir. 2005).

For these reasons, the Court **REPORTS** and **RECOMMENDS** this civil action be **STAYED** and **ADMINISTRATIVELY CLOSED** until entry of final judgment in Plaintiff's criminal case. At that time, Plaintiff may file a motion to lift the stay.

SO REPORTED and RECOMMENDED this 16th day of February, 2022, at Augusta, Georgia.



BRIAN K. EPPS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA

take judicial notice of records from other courts).